

## REMARKS

Reconsideration of the present application is requested.

Allowable claims 6 and 7 have been rewritten as new claims 9 and 10, respectively.

The rejection of claim 1 based upon Cobi or Kasuga et al. or Dorm is respectfully traversed. Cobi discloses an arrangement in which a piston 40 is pushed by a cam 10 so that air in a space above the piston is compressed. When the piston is released for movement, energy stored via the compressed air displaces the piston to apply the impact. In the presently claimed invention, the impact energy is stored in the impact element itself; in Cobi the impact energy is stored in the air, not in the impact piston.

The same is true of Dorm wherein a piston 12 is displaced in order to compress air in a space located at one end of the piston. Energy stored in the air produces displacement of the impact piston when the piston is released.

In the Official action, it was suggested that the applied prior art was similar to the embodiment depicted in present Fig. 4. However, that embodiment is unlike that of Cobi and Dorm. In Fig. 4, hydraulic fluid; is pressurized in a space 10 by a piston 11. The pressurized fluid applies an upward stress to the impact element 2 to store energy therein. That energy stored in the element 1 subsequently creates the stress pulse delivered to the tool when the impact element 2 is released. Unlike what happens in Cobi and Dorm, no energy is stored in the fluid in space 10 in present Fig. 4, because non-compressible hydraulic fluid (liquid) is used.

The Kasuga et al. patent is directed to an apparatus which is dissimilar to a rock drill to which claim 1 is now directed. As recited in claim 1, a separate tool is

subjected to stress pulses, wherein in Kasuga et al. an article such as a pile or a stake installs itself into the ground or removes itself from the ground. There is no suggestion in Kasuga et al. of applying stress pulses to a tool, let alone a tool used in a rock drilling operation.

Therefore, it is submitted that claim 1 distinguishes over the three applied prior art references.

Dependent claim 2 recites means for discharging pressurized hydraulic fluid from a space in order to release the stress on the impact element. In each of the three references, the fluid which is placed under pressure in a space stays in the space, i.e., it is not discharged from the space. Moreover, Cobi and Dorm use gas, not hydraulic fluid, since the gas needs to be compressed. As pointed out earlier, hydraulic fluid is incompressible. Kasuga et al. does not specify the type of fluid used, but regardless, the fluid stays in the space when the cam 4 reaches its release position.

In light of the foregoing, it is submitted that the application is in condition for allowance.

Respectfully submitted,

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